

## REMARKS

Reconsideration of the rejection found in the office action dated November 6, 2001 is requested in view of the following. Claims 31-33, 35, 41-43, 47-50, 55, 56, 58-71, 73, and 75-87 have been cancelled in order to advance prosecution of this case and without prejudice for presenting these claims in a continuing application. Claims 1, 3, 8-10, 18, 19, 24, 25, and 30 remain. Claim 18 is amended to provide for proper dependency and antecedence to claim 1.

## DOUBLE PATENTING

Attached hereto is a Terminal Disclaimer with respect to pending application 09/372,560. The filing of this Terminal Disclaimer is made to advance the prosecution of this case so that the double patenting rejection will be removed; and it is not intended to reflect on any agreement or disagreement with the basis of the rejection.

## CLAIM REJECTIONS – 35 U.S.C. 112

Claims 1, 3, 8-10, 18, 19, 24, 25 and 30 are rejected on the basis that one skilled in the art would not understand the word "combination" in the claims as the word "implies the games are played simultaneously". The word is intended to portray common vernacular. The word "combination" is defined as an instrument designed to perform two or more tasks (Merriam-Webster's Collegiate Dictionary 10<sup>th</sup> Edition). Webster's Third New International Dictionary also defines "combination" as the result or product of combining--i.e., a union or aggregate made by combining one thing with another. Nothing in either of these definitions implies that the two tasks (or things) need be performed in the instrument (or product) in any particular order such as sequentially, simultaneously, back and forth, etc. The claimed invention combines two separate game components together to act as a single casino game. The casino game (with the combined underlying game of chance and the knowledge-based bonus game) receives a wager and has a house advantage in a predetermined range as stated in independent claims 1, 19 and 25. In the specification and in one combinational embodiment illustrating play of the casino game (Figure 1), the underlying slot game of chance is played and when a bonus condition occurs, the knowledge-based bonus game is then played. In another combinational embodiment illustrating play of the casino game, the

play of the two games occurs back and forth, as fully discussed on page 36, starting at line 13. Many other combinations of play are discussed, for example on page 38 of the specification, as to what will cause the knowledge-based bonus game play to occur. The pending claims are not limited to the disclosed embodiments. One skilled in the art upon reading the specification is enabled to make and/or use the claimed invention.

Claims 1, 3, 8-9 and 18 are definite based on the above definitions of "combination" as a single casino game receiving a wager is claimed with two separate games being played and having a house advantage for the casino game within a predetermined range. The specification teaches at least two illustrative embodiments and many other bonusing conditions wherein the underlying game of chance and the knowledge-based bonus game are combined to form a single casino game as discussed above. The scope of the claims is not to be limited to the order of play in these illustrative embodiments. Further, it is respectfully submitted that claims 3 and 8 set forth one such order of play: the play of the knowledge-based bonus game occurs when play of the underlying game of chance stops.

#### **CLAIM REJECTIONS- 35 U.S.C. 102**

**A. Keller-** Claims 1, 3 and 18 are rejected as being anticipated by Keller and, in the alternative, 2,197,974. Claim 1 claims a casino game receiving a wager for combined play of an underlying game of chance and a knowledge-based bonus game using answers from a player. The casino game has a house advantage within a predetermined range. As fully and as mathematically presented in the specification, the "predetermined range" for the house advantage provides a commercially viable casino game even though a player provides answers. Because the range is predetermined, as fully taught in the specification, even if a player knows or memorizes all the answers, the casino game remains commercially viable to the casino. The claimed invention herein specifically provides a novel predetermined range for house advantage in a casino game with a knowledge bonus game receiving actual answers from players. Not only does this appeal to casinos (as it protects the casinos from losing to smart players), but also appeals to players (whether or not "smart") as will be better explained in the following. As found in the references cited and in the State of Art materials there are many other approaches. A number of casino games provide a knowledge-theme bonus game where the game randomly selects answers to the bonus game for the player.

The cited Walker and '569 references provide other approaches where the players, like the present invention, answer the questions. The claimed invention represents yet another approach in this highly competitive business – one that is novel and patentable over the cited art.

The rejection states with respect to Keller:

The house advantage is at the bottom of column 2, lines 61-67 where a player is played “for the entertainment.” The house advantage is nothing more than a percentage of the wager retained by the house for the privileges of playing the games.

There is no disclosure in Keller of either a conventional “house advantage” or of the “house advantage within a predetermined range” of claim 1. Keller provides separate entertainment games wherein a fee is paid for entertainment services and tokens or tickets are issued (Col. 2:1-7). Col. 2:61-67 of Keller does not disclose a house advantage, rather that different entertainment services have different fees. Keller carefully points out (Col. 2:32-42 and Col. 3:1-7) that his entertainment casino game is not a traditional casino game as his winners are awarded tokens of no redeemable value. Keller only discloses a casino game for entertainment purposes only and, in this regard, teaches away from the present invention. The player in Keller then proceeds to use the tokens that are won to play one of many games of skill (selected by the player).

A casino game receiving a wager, providing combined play of an underlying game of chance with play of a knowledge-based bonus game, and having a house advantage in a predetermined range, as claimed in independent claim 1, is not disclosed in Keller. No casino game receiving a wager is disclosed, no combination is disclosed, and no house advantage in a predetermined range is disclosed. Dependent claims 3 and 18 when read with claim 1 are also not disclosed in Keller. In claim 18, the player is paid even when incorrect. Keller has no disclosure of this method step.

The '974 reference discloses a casino game such as a slot game (rotatable reels) that operates in two parts. In the first part, the player receives a “level of prize to be awarded” when a winning combination appears. In the second part, the player receives the prize upon successful completion of the skill game ('974 @ pg 3:8-20). This does not disclose the claimed invention in independent claim 1 of playing a casino game with a house advantage in

a predetermined range. '974 only discloses a two part casino game in which the player must first obtain a prize level and then successfully complete a skill to have the prize awarded. The '974 reference has no bonus game as no prizes are awarded except if the skill game is successfully completed.

Anticipation requires the disclosure in the single piece of prior art each and every limitation in the claimed invention. *Apple Computer Inc. v. Articulate Systems Inc.*, 57 USPQ 2d 1057, 1061 (Fed. Cir. 2000). A number of claimed limitations in the rejected claims, as fully discussed above, are not disclosed in Keller or '974 and, therefore, are not anticipated.

It is respectfully submitted that the remaining statements in the rejection concerning the predetermined range of the house advantage constitute "a retrospective view of inherency" based on hindsight. *In re Newell*, 13 USPQ 2d 1248, 1250 (Fed. Cir. 1989). The Federal Circuit in *Continental Can Co. USA Inc. v. Monsanto Co.*, 20 USPQ 2d 1746, 1749 (Fed. Cir. 1991), has stated:

To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.

Conventional house advantages for casino games are well known and are discussed in the "Statement of the Problem" section of the specification. Contrary to the conclusion in the rejection, the claims are not claiming the discovery of the "house advantage". Rather, a method of having a novel house advantage in a predetermined range for the combined play of the underlying game of chance and play of the knowledge-based bonus game using answers from a player in a casino game receiving a wager. Specific set limits are recited in some of the claims as pointed out. This is particularly true in light of the unique risks associated with a knowledge-based bonus game. Claim 1 results in a commercially viable casino game due to the predetermined range requirement. It is recognized that the Examiner has experience in this art field, but the rejection has not provided support for the contention of what skilled artisans would at the time of the invention have understood. Both Keller and '974, anticipation is not present.

The rejection refers to Exhibit C1 which was submitted as State of the Art evidence in the parent application. Those Exhibits and also the Declarations are herein attached for this

application. Exhibit C1 discusses conventional payback percentages for random play slot machines having a theme-based bonus game, but C1 does not have a knowledge-based bonus game receiving answers from players as presented in the specification. Exhibit C1, like the other “knowledge-theme” casino games provided in the State of the Art evidence, never permits the player to actually provide answers to the questions as claimed in the pending claims. The State of the Art evidence and Declarations are discussed later.

**B. Walker-** Claims 1, 3, 8-10, 18, 19, 24, 25, and 30 are rejected as being anticipated by Walker.

Claims 1, 3, 8-10 and 18 recite that the combined knowledge-based bonus game with the underlying game of chance has a house advantage for the casino game within a predetermined range. There is no disclosure in Walker of a house advantage with a predetermined range. Claims 19 and 24 recite “providing a house advantage within a predetermined range for the combined knowledge-based bonus game and underlying casino game, the predetermined range having a set limit based upon all answers to all queries in the knowledge-based game are always correct and the wager”. A house advantage with a limit set to the answers always correct is also found in claims 9, 25 and 30. There is no disclosure in Walker of a house advantage within a predetermined range or having a set limit based upon all answers to all queries being always correct (i.e., perfect knowledge players).

Walker actually teaches away from the present invention of setting a limit in the house advantage for answers that are always correct. Walker is not able to handle even players capable of memorization (let alone, players with perfect knowledge). In Col 8:32-37, Walker teaches that “a sufficient supply of questions to ensure that the same player is not presented with the same question twice.” Unfortunately, the sheer size of the question pool does not mathematically ensure that the player won’t see the same question twice. Walker continues that “players in close physical proximity to one another in a casino should also not be presented with the same questions” (Id.). This is an unworkable requirement as most casinos group like-kind machines, and each machine is independent of every other machine and hence cannot ascertain which questions have appeared on neighboring machines. On the other hand, the casino game of the present invention welcomes players who can memorize answers and the casino game can be grouped as the house advantage is always in a predetermined range even for players with perfect knowledge. Indeed, smart players

recognize this also and are incentivized to return to the machines of the instant invention, as over time they are rewarded for their “investment” of time on device. That this is missing descriptive matter in Walker under *In re Newell, supra* is recognized as the rejection states: “[a] favorable house percentage that considers the level of skill of the players (i.e., the correctness of the answers) is inherent.” No extrinsic evidence has been provided to support the conclusionary statements of inherency. These claims are novel over Walker.

Further there is no disclosure in Walker of the playing the bonus game when the underlying game of chance randomly stops as found in claims 8 and 30 and of setting a house advantage limit for the predetermined range for players guessing as found in claims 10, 25 and 30.

In Walker, the player must risk a portion of the payoff won in order to play the trivia game. There is little incentive for players with no or little knowledge to play the Walker game, because of the risk involved in answering the trivia question. And, as mentioned above, Walker seeks to prevent players always providing correct answers through memorization. In the pending claims, all players (of whatever level of knowledge) are always incentivized to play because there is no risk to the casino in the knowledge-based bonus game.

**C. 2,262,642-** Claims 1, 3, 8–10, 18, 19, 24, 25 and 30 are rejected as being anticipated by the ‘642 reference.

Claims 1, 3, 8–10, and 18 recite the combined knowledge-based bonus game with the underlying game of chance has a house advantage for the casino game within a predetermined range. The ‘642 reference is entirely silent as to how a house advantage is calculated, much less providing a house advantage for combined play in a predetermined range. Claims 19 and 24 recite “providing a house advantage within a predetermined range for the combined knowledge-based bonus game and underlying casino game, the predetermined range having a set limit based upon all answers to all queries in the knowledge-based game are always correct and the wager”. A house advantage with a limit set to the answers always correct is also found in claims 25 and 30. There is no disclosure in ‘642 of a house advantage within a predetermined range or having a set limit based upon all answers to all queries being always correct (i.e., perfect knowledge players). There is no disclosure in ‘642 of setting a house advantage limit for the predetermined range for players guessing as found in claims 10 and 25.

That the claimed language for the house advantage set forth above is missing descriptive matter in the '642 reference is recognized by the "inherency" rejection containing conclusionary statements, but also citing Scarne's and 2,253,569 as extrinsic evidence. The rejection states:

Inherently all gaming operators avoid losing money.

Scarne teaches that experienced Blackjack players (even Mr. Scarne) must be barred to avoid losing money (Page 330 of Scarne's). The entire thrust of the present invention allows such players and even the hypothetical perfect player to play the claimed casino game. Unlike Blackjack, in which casino personnel must be vigilant and sometimes intervene to "back off" unwelcome (smart) players, the present invention requires no observation and/or intervention on the part of casino personnel, as the casino's interests are safe. Several examples are provided in the specification for ensuring a house advantage having a set limit for such "perfect" players. Such "perfect" players under the teachings of the present invention, whether real or hypothetical, need not be barred from the casino to ensure a house advantage. Indeed, they are not only welcomed to play by the operator (since a minimum house advantage is ensured), but they are also encouraged to play because they do fare better (a higher expected return) than players of lesser knowledge. Again, Scarne is evidence of the novelty and patentability of the rejected claims with respect to the '642 reference.

In this anticipation rejection, not only is Scarne cited as intrinsic evidence of inherency, so is reference 2,253,569. To the contrary, the '569 British reference is solid evidence for the novelty and patentability for the present invention. This reference specifically recognizes one approach for dealing with the "knowledgeable player" problem:

A player or group of players with good memories or access to a previously compiled list of questions could (and in fact do) win considerable amounts of money from such machines and affect their commercial viability. In order to try to overcome this problem manufacturers have included large numbers of individual questions within each machine to extend the learning time and increase the life of the machine on site (page 1, lines 25-34).

Commercial viability is a problem in the '569 invention, but it would not be if it utilized the claimed house advantage in the predetermined range of the present invention. Indeed this

reference recognizes the same problems solved by the present invention- i.e., maintaining interest and encouraging players to play (page 2, lines 1-12). These problems uniquely solved by the present invention are correctly stated in the '569 reference: players with excellent knowledge or good memories cause the machine no longer to be commercially viable for the casino and, yet, if the questions were made too difficult or contained so many different questions or answers (so they cannot be memorized) players will stay away from the game. The present invention teaches the solution to this problem in a novel fashion and ensures a set limit to maintain a house advantage not only against players with excellent memories (as worried about in the '569 reference) but as against the hypothetical player with perfect knowledge. The '569 (and Walker) reference seeks to solve these problems with a large database of questions. Even so, a perfect player would answer all questions resulting in a non-commercially viable game in the '569 (and Walker) reference. This reference is evidence for the novelty and non-obviousness of the present invention as claimed in each of the claims rejected herein. The '569 reference will lose money against a perfect player as no amount of changing the questions will protect against a perfect player.

The rejection further states:

In instant case, the consideration of house percentage so that a game makes money without decreasing player interest is at the root of every wagering game.

The present invention is the first to recognize how to accomplish this by providing a predetermined range for a house advantage for perfect players playing a game in which knowledge makes a difference, while yet maintaining player interest in the claimed casino game in which an underlying game of chance is combined with a knowledge-based bonus game receiving answers from players. Scarne recognizes that casinos with skilled Blackjack players (not even the hypothetical perfect Blackjack player) bar them from playing. This ensures the casino makes money, but barring a player decreases player interest and is labor intensive. It is not a viable solution against slot machine players. The cited '569 and Walker patents either make the questions more difficult or so vast in number that they are incapable of memorization. Even so these approaches are not viable in the presence of a perfect knowledge player. Only frequent players and those that are completely familiar with the casino game of the present invention would appreciate the subtle advantage of striving to be a perfect player. Some players might choose not to invest their effort in memorizing all the

answers but those that do have a unique opportunity to win more money (and yet still provide a house advantage in the predetermined range. Moreover, the attraction of others in the casino to help with players in answering is a draw to the casino games of the present invention which is not addressed in the references. Casino operators having the claimed casino game have no worry that a perfect player would break the bank. All of these differences show that the claims address a special niche that is but one of many other casino games such as those referred to in the art.

Evidence of the State of Art herein sets forth a number of "knowledge-theme" conventional casino bonus games, but not one of them allows the player to actually answer. The three Declarations herein submitted provide further evidence of novelty and patentability. Only the applicant has achieved a knowledge-based bonus game with actual player answers by providing a house advantage in a predetermined range as claimed in each of the above claims so as to make the game commercially viable even against a perfect player. The Scarne's and '569 references do not provide the necessary extrinsic evidence of inherency to support anticipation under the case law set forth above. The remaining statements of rejection, it is respectfully maintained, are improper retrospective views of inherency based on the benefit of hindsight. The state of the art evidence and the three Declarations (as well as the relied-on Scarne's and '569 references) support the novelty and non-obviousness of the rejected claims over the '642 reference.

Expert Gushin was Assistant Director of the Division of Gaming Enforcement for the State of New Jersey, and during his tenure oversaw the regulatory process for approving all gaming equipment in this world-renowned gaming jurisdiction. From 1993 to the present, he has been Managing Director of Spectrum Gaming advising casinos on new gaming devices. He is a knowledgeable and experienced expert on gaming devices. He declares that after reviewing the Ripley's game which incorporates the claimed house advantages in a predetermined range (as found in Dr. Vancura's Declaration), that he "was very surprised and intrigued." "Chisum on Patents" (pg 5-621) states that:

The reaction of experts in the field to the invention upon its initial public appearance has been given weight in determining patentability. ... Most probative is evidence that experts initially expressed skepticism, surprise, or incomprehension upon learning of the invention and thereafter praised its value.

Gushin's declarations in Paragraph 3 constitute strong evidence of patentability- i.e., fully overcoming inherency, obviousness, and conclusionary arguments found in the rejection.

Expert Grochowski is a well-known columnist on gaming and the author of many books on the topic. He also reviewed the Ripley's game and was also surprised. Mistakenly, when shown the game, he believed that players who know all the answers would beat the game and a house advantage would not be able to be assured. Though this belief is mistaken as fully taught in the specification, this statement constitutes an expression, by an expert, of disbelief. Such expressions of disbelief are strong evidence of non-obviousness. See *Environmental Designs, Ltd. v. Union Oil Company of Calif.* 218 USPQ 865, 869 (Fed. Cir. 1983).

### **CLAIM REJECTIONS- 35 USC 103**

Claims 8-10, 19, 24, 25, and 30 are rejected as being unpatentable over Keller and/or '974 in view of Thompson. For the reasons articulated above, and incorporated herein by reference, independent claims 1, 19, and 25 are patentable and non-obvious over Keller and/or '974.

The rejection with respect to claim 8 states:

Thompson teaches that it would have been obvious to random conduct the steps of a game like those shown by Keller and '974 in order to add an element of surprise to the players.

It is respectfully pointed out that to combine Thompson with Keller is improper, and there is no motivation or suggestion in Keller or in Thompson to do so. Randomly stopping the Keller casino game would result in no tokens to the player, thereby rendering the Keller game inoperative. The Keller game must normally come to a conclusion with a winning combination before the player receives tokens. The tokens are then used to play another skill game separate and apart (i.e., not combined) from the Keller casino game. There is no bonus game in Keller. The '974 reference again requires the player to win at the underlying game in order to then use skill to actually win the prize. Coupling Thompson with the '974 reference is improper as there is no motivation or suggestion found in either reference to do so. And, if it is done, the '974 reference is inoperative. Simply randomly stopping the '974

game as taught by Thompson will not result in a prize as the game must be played to completion and a winning combination achieved. For this reason, this claim 8 is patentably distinct over these references and the above-stated rejection.

The rejection further states:

The setting of the house advantage in Claims 9, 10, 19, 25, and 30 are obvious matters of design choice.

It is respectfully submitted that the above is an improper subjective conclusion of obviousness. *In re Sang Su Lee*, 61 USPQ 2d 1430 (Fed. Cir. No. 00-1158 (1/18/02)), recently held that deficiencies of cited references cannot be remedied with conclusions about what is "basic knowledge" or "common sense." The Federal Circuit held that it is improper, in determining whether a person of ordinary skill would have been led to this combination of references, by simply using "that which the inventor taught against its teacher." *Id.* At 1434. For reasons set forth above and later, incorporated herein by reference, it is vigorously argued that the predetermined range for the house advantage, as claimed, is not an obvious matter of design choice. Not one of the cited references teach any of these claimed features.

With respect to dependent claim 24, there is no teaching, suggestion, or inference in any of the references of paying a first amount for a correct answer and a second amount for an incorrect answer to a question. This is not shown in Keller as Keller does not state what happens when a player loses at the skill game. This is not shown in '974 as the player only receives a prize if successful at the skill game. Thompson has no teachings whatsoever.

#### **Evidence of State of Art Under MPEP 609 c(3)**

Attached, as Exhibits B1, B2, C1 and C2 are articles submitted in the parent application providing evidence of the state of the art for casino games under MPEP 716.01.

Exhibit B1 is an article "This is JEOPARDY!" which appeared in the October 2000 issue of Strictly Slots. This is a casino game that provides JEOPARDY as a bonus game. As is well known, the knowledge-based TV game show JEOPARDY! asks questions which requires answers from players. The adaptation of JEOPARDY! into a casino game as a bonus game, however, does not require the player to answer questions as in the real TV show! This article states:

For the video version of the game, IGT tapped all the potential of the i-Game Plus format to design a slot game that effectively re-creates the skill of the TV game show. The bonus rounds in this game simulate segments of the actual show, in a clever and entertaining format...

Video Jeopardy! simulates as much of the show is possible working within the laws of randomness – players cannot be required to answer actual quiz questions. (emphasis added) (Page 61)

In other words, the current state of the art for casino games, that is until the present invention, is to provide to a player what appears to be a knowledge-based game (but actually isn't) as a bonus game to a conventional slot machine. The article continues:

The screen displays the bonus board as categories appearing across the top, just as on the show, with Trebec announcing each one. There are over 100 categories programmed into the software, each with catchy names similar to those in the real show.

Each square on the board bears the familiar "JEOPARDY!" logo, but instead of questions, they hide bonus coin values. The player is prompted to begin picking squares using the touch-screen feature, and the bonus accumulates until one of two "Final Jeopardy" squares is revealed. (emphasis added) (Page 62)

In Exhibit B2, the Jeopardy! game is discussed in an article appearing in Casino Journal, September 1999. The "innovation" of casino games such as Jeopardy! from Anchor Gaming and IGT is discussed (page 60, 3<sup>rd</sup> paragraph). Yet, Randy Adams, Anchor's Marketing Manager, states that randomness is preserved (i.e., essential to preserve house advantage);

To keep the game based on random chance, the player is prompted to choose from three hidden answers by selecting one of the three "contestants" on the video screen. "Two are correct; one is incorrect." Adams explains. (emphasis added) (page 156, paragraph 4)

In other words, the player "guesses" by selecting a player who then reveals the hidden answer.

The references are evidence of the current state of the art of casino games and is further evidence of the patentability (i.e., the novelty and not obviousness) of the present invention. For the first time, under the teachings of the present invention, a player can use his/her knowledge in a knowledge-based casino bonus game. All of this occurs in a casino game which preserves the house advantage in a predetermined range that is fair both to the house and to the player and can be regulated by the appropriate gaming commission.

In Exhibit C1, "Family Feud!" appearing at the Internet site of [www.strictlyslots.com](http://www.strictlyslots.com) on 11/22/00, is a new game from Silicon Gaming that also provides what appears to be a knowledge-based game (but isn't) to a standard underlying slot game. Here, a question is presented to the player, but the player cannot decide which answer to select. There is no player interaction with respect to the questions and the answers except as follows.

The screen displays a survey question, and an image of the answer plaque spins around. The player is prompted to stop it by pushing a button – one of the answers appears, to sounds of audience encouragement such as "GOOD ANSWER!" The answer shouts the familiar, "Survey says ..." If one of the top four answers, it appears with a "ding" on the board, along with a bonus amount corresponding to its rank in the survey. If it is not one of the survey answers, you hear the "buzz" as an "x" slashes over the bonus board. (Page 5)

The player does not select the answer, the player stops a plaque from spinning so as to display an already selected answer. The answer is preselected by the software. In Exhibit C2, Andrew Pascal, President and CEO of Silicon Gaming, states with respect to FAMILY FEUD in the October, 2000 issue of Casino Journal:

Questions in the bonus round are selected at random from a database of over 1,000 questions and answers – all from the actual show during its entire run – compiled by the Silicon development team. Pascal notes that while the player is not guessing the answers, the experience of watching the show is reproduced effectively. (emphasis added) Exhibit C1 at pg. 152.

The present invention is a knowledge-based bonus game and the player chooses, selects, and/or decides on an answer.

First, these two recent products from recognized companies in the casino industry are solid evidence of the patentability of the present invention. Each of these references are based on a well-known TV knowledge-based game, but the knowledge-based characteristic of a player actually choosing an answer is not present. There is no player interaction wherein the player actually provides the answer to a question as fully claimed in each independent claim of the present invention. The term "knowledge-based" is defined on page 6, lines 14-24 of the specification and is used throughout the specification as the term for a casino game of chance where the player interacts with the game by responding with a response based upon the player's actual knowledge. The present invention as further claimed in each independent claim is a casino game of chance which provides a house advantage in a predetermined range so as to make it a viable casino game to which players provide actual answers and

which can be regulated. The FAMILY FEUD references and the JEOPARDY reference are solid evidence of the patentability of the present invention.

Second, the FAMILY FEUD reference also attests to the difficulty of designing casino games of chance with house advantages and, yet the desirability, to have a TV knowledge-based game. Silicon Gaming recognized the difficulty of providing a house advantage (pgs. 3-4 of Exhibit C1) even though all it could achieve was the "look and feel" (pg. 4 of Exhibit C1) of the TV game! Silicon Gaming could not recreate the actual TV knowledge-based game FAMILY FEUD only its "look and feel."

### EVIDENCE OF PATENTABILITY

Further evidence of patentability is attached as Exhibit 1. In Exhibit 1, a June 1, 2001 article in Strictly Slots by Legato states "...you'll go bonkers over Mikohn's latest release. "Ripley's Believe It Or Not!" is unlike any other video slot." Pg 64.

All pending claims are in condition for allowance and such allowance is respectfully requested. If the Examiner has any suggestions for placing this application in its best condition for allowance or if he has any questions regarding the above, please call the undersigned. If additional fees are required, please debit our Deposit Account No. 04-1414.

Respectfully submitted,

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**Marked-Up Version of the Amendments to the Claims**

18. The method of claim [12] 1 wherein the step of [paying the player] playing the knowledge-based bonus game further comprises the steps of:

paying the player a first amount when the player correctly answers [the at least one query],

paying the player a second amount when the player incorrectly answer [the at least one query].